IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 13612 of 2000

Between:

K.Narayana S/o.Nallappa
Junior Civil Judge's Court, Pathapatnam Srikakulam District

..... PETITIONER

AND

1 The Registrar (Admn.,)
High court of Andhra Pradesh Hyderabad
2 The District Judge,
Srikakulam District, Srikakulam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction especially one in the nature of Writ of Mandamus declaring that the proceedings of the 1st Respondent in ORDER ROC.NO.3417/96-CI(1), dated 15-2-2000 and proceedings of the 2nd Respondent dated 13-6-2000 as illegal, arbitrary, discriminatory and Violation of Articles 14, 16, 21 and 300A of the Constitution of India and further declare that the Petitioner is entitled to the benefits of G.O.Ms.No.18, dated 19-1-1994 and he should be granted sanction increments for the period from 1-10--1994 to 31-10-1996 for the years (1994,1995,and 1996) and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondent Nos.1 and 2: MR.C.V.NAGARJUNA REDDY

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

-

-

-

-

-

-

-

-

-

-

-

-

-

Petitioner was departmentally proceeded against and was ultimately imposed punishment on 5.4.1994 for the charges levelled against him. Punishment imposed was of compulsory retirement. It was challenged by him in Writ Petition No. 14682 of 1995. The writ petition was partly allowed on 30.7.1996. Punishment imposed was set aside by substituting another punishment of reverting him to the post of Examiner from which he was promoted to the post of L.D.C. It was also held that petitioner shall not be entitled for back wages from the date of compulsory retirement till the date of his reinstatement. On 21.7.1997, petitioner joined on the reverted post. On 30.8.1997, petitioner's pay was fixed on the post which he joined after punishment was modified. Petitioner felt aggrieved by the order of fixation of his pay, submitted representation that he was entitled for notional increments for the period from 5.4.1994 till the date he joined service. An order was passed on 30.1.1999 partly allowing the petitioner's representation thereby directing for payment of pay and allowances from 1.11.1996 to 20.7.1997, but, by treating the said period as compulsory wait. Direction was issued to the District Judge, Srikakulam to fix the pay of the petitioner as per Rule 28 of the Fundamental Rules in the maximum pay of the lower post, i.e., Examiner at Rs.3200/-. Feeling aggrieved, the present writ petition was filed alleging that the petitioner ought to have been granted increments for the intervening period.

We have heard the learned counsel for the parties and gone through the record. Since the petitioner retired from service, there is no manner of doubt that in so far as the period from 5.4.1994 till 30.7.1996 is concerned, there was an order of Compulsory Retirement operating against him. This order was modified on 30.7.1996 with regard to punishment of compulsory retirement from service to that of reversion to the lower post. It was further held in the said order that the petitioner shall not be entitled to back wages from the date of compulsory retirement till the date of reinstatement. In fact, the order speaks that petitioner will not be entitled to the benefit for the said period, and, in case, the order is construed like that, there will be no occasion for giving any notional increments from the said period also. What reasons prevailed with the Bench in denying back wages to the petitioner from the date of compulsory retirement till the date of reinstatement, though not decipherable from the order, but, it would imply that petitioner would not be entitled to any monetary benefits and, therefore, notionally, no benefit can be given to him for the said period.

For that reason, there is hardly any ground to allow the writ petition and to issue the directions as prayed for.

The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA,CJ

DATE: 25th August, 2004

C.V. RAMULU,J

Pnb

To

1 The Registrar (Admn.,)
High court of Andhra Pradesh, Hyderabad

2 The District Judge,
Srikakulam District, Srikakulam.

3 Two C.D. copies